

THE HARD  
C A S E  
OF  
*MARY SQUIRES*, the Gipsy,  
AND  
*SUSANNA WELLS*.

BEING,  
An Impartial EXAMINATION of the  
Merits of their surprizing CAUSE.

WHEREIN  
The GYPSEY is fully vindicated, upon the  
Circumstances of her CASE, allowed by the  
ATTORNEY and SOLLICITOR-GENERAL.

WITH  
The Reasons that induced the Grand Jury to find  
four Bills against *Elizabeth Canning*, for Perjury  
on the Trial of *Squires the Gipsy*, and *William  
Clark, Thomas Grevil and John Gibson*, Witnesses  
in Favour of the *Gipsy*.

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*Fiat Justitia, et ruat Mundus.*

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L O N D O N:

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[ Price Six-pence. ]

THE HART  
OF  
AND  
WELLS

An Imperial Edition of the  
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The GYSEY is a...  
Attorney and Solicitor-General.

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[ Price Sixpence ]



T H E  
T R U T H  
O F T H E  
C A S E.

THE Town seems at present greatly divided in their Opinions, in relation to the Case of *Elizabeth Canning*. Some are persuaded that she suffered all those Hardships, which she and *Virtue Hall* swore to upon her Trial; and that her Friends, who are Gentlemen of Probity and Reputation, who had made a strict Examination into the Affair, saw her in the sad Condition she was in when she came home, and afterwards were at the pains to take her to *Wells's* House, where they informed themselves of every Particular, could not be deceived themselves, nor had any View to deceive others; that had there been any Signs of Fraud or Collusion in the Case, it is impossible but they must have discovered some Traces of the Villainy; which if they had done, their Characters would have secured them from

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the Imputation of countenancing or encouraging such an iniquitous Proceeding. Besides, the Girl herself was so well known to them all, that they had no Room to suspect, that one so young, so ignorant, and so unacquainted with the Tricks of the Town, could have Cunning enough to contrive, or Boldness to execute a Scheme of this Nature; neither could they believe she had any Accomplice to assist her in it, because they were well assured she never kept any such Sort of Company.

BUT to make this Case, as represented by *E. Canning* and her Friends, still the more probable, they say, the Characters of the Persons who have been found *Guilty* of this Barbarity, sufficiently corroborate the Evidence that has been given against them. *Wells*, they say, is notorious for keeping a bad House, and entertaining Company of very loose Morals; and all the World knows, that all Manner of Wickedness is practised in such Resorts. Since therefore it is allowed on all Hands that *Wells* kept such a House, there is nothing improbable in asserting that this Scene of Villainy was acted there.

*MARY SQUIRES*, it seems, is one of those vagrant People called *Gipseys*, who wander about the Country, and get Money out of the Ignorant and Credulous, under the Pretence of telling them their Fortunes, and are often guilty of worse Practices. Is there any Thing therefore, say they, incongruous in supposing, that



that an old *Gipsy-woman*, who has all her Life-time been practised in Frauds and pilfering, should at last rob a poor silly Girl of her Stays? 'Tis well known that some of these Creatures have been convicted of Crimes as nefarious as this; and as they never act from Principles of Honesty, consequently they are capable of perpetrating the worst Kinds of Villainy.

ALL this is urg'd by those who defend the Cause of *E. Canning*. On the other Side, those who think they have Reason to doubt the Truth of the Facts alledged on her Behalf, object, that though they should allow all that is above advanced, yet upon examining the Evidence that was given upon her Trial, they have sufficient Cause to except to the Veracity of the Case, as there stated.

THEY observe, that *Canning*, in her Evidence, says, that when the two Men had robbed her, one of them gave her a Blow on the Temple, which threw her into a Convulsion-fit, which render'd her insensible. It is hardly to be supposed that they were many Minutes in doing this; for this Sort of Gentry generally do their Business with the utmost Expedition, as well knowing the Danger of Delay: However, when she comes to be cross-examined, she is ask'd, How long those two Men continued with her in *Moor-fields*? Her Answer is, About half an Hour. But how could she tell that, when she became insensible immediately on the Stroke that was given her? For it is not to be imagined

that they were half an Hour in robbing her ; and it is plain, from her own shewing, she received the Blow upon her screaming out and struggling with them,

*CANNING* is again ask'd, In what Manner she imagined she was conveyed to the Place where she found herself on her Recovery about four o'Clock in the Morning? Her Reply is, She thought they had dragged her along by her Petticoats, by her being so dirty. It is certain, by her Account, that they had been seven Hours in bringing her thus far. Now, say these Objectors, is it consonant to Reason, that these Men should put themselves to the immense Trouble of dragging along such a dead Weight between them as she *must* be, if in her Fits all that Time, for ten Miles together, without any View or Prospect of Advantage or Reward for their Labour? For they had already taken her Money and her Cloaths, and what could they expect more?

WHEN she came home, Mr. *Wintlebury*, her former Master, asked her where she had been? She said, upon the *Hertfordshire* Road. He ask'd, Her how she knew that? She said, Because she saw her Mistress's Coachman go by, who used to carry her into the Country. Yet this Road is two or three Fields off from the House, as she declares in the Account she gives of the Manner of her Escape from thence. But is it credible she could so exactly distinguish that Coach

Coach or Driver at that Distance, and where the Sight must be interrupted by the Interposition of Trees and Hedges?

AGAIN; It was farther affirm'd, that during the whole Month of her Confinement she had no Passage thro' her. But whether it is possible for Life to subsist so long without the natural Evacuations of the Body, must be left to the learned Physicians to determine; yet this may be observed, That the Night she was seiz'd, she was just come from visiting her Uncle and Aunt, with whom no doubt she had eat and drank plentifully. Now, can it be imagined that this Food, then taken, did not make its Passage thro' her Body in twenty-four Hours or thereabouts even tho' she took no more for several Days afterwards? This seems altogether incomprehensible to the Understanding of any thinking Man.

ANOTHER Observation that these Objectors make is, that when *Squires* knew that the Girl had made her Escape, had she been conscious to herself that she had robb'd her, she would naturally have made off with all the Haste she could, for Fear of that Punishment to which her Crime must certainly expose her; for in all Reason she might suppose, that the poor Girl, who had been robbed, and so barbarously used by her, would take the speediest Method to do herself Justice. And yet we find, three  
Days



Days afterwards, that not only this poor old Gipsy, but her Son and Daughter, and the rest of the Family, were all at Home at the Time when the Prosecutors came to apprehend 'em; where they certainly would not have been, had they entertain'd the least Apprehension of being taken into Custody. Fear always breeds Caution and Circumspection, especially when Consciousness of Guilt tells us we have rendered ourselves obnoxious to the Severity of the Law. But where there is no Guilt, there is no Fear; Innocence, secure in itself, makes no Provision for its Safety.

ANOTHER Thing deserving Consideration is, That this Girl, after she had subsisted for a Month upon a small Quantity of Bread and Water, and consequently must be reduced to the last Extremity of Weakness and Imbecility; yet she walked home that Night in six Hours, and yet, after she had been refreshed for three Days successively with the most comfortable Things that could be got for her, she was hardly able to stand upon her Legs, and forc'd to be lifted and carried in the Arms of the Gentlemen who convey'd her to *Wells's* House. How this can be accounted for, let those, who have the Care of her Defence, make appear.

BUT what can be said in Defence of the two supposed Criminals, *Wells* and *Squires*? Is not the first notorious for her scandalous Life?



Life? and does not the very Profession of the other suppose her to be a Vagabond, a Cheat, and an Impostor? Well! supposing they both have led very bad Lives, and that their Characters are as black as they have been painted; I suppose it will be allow'd, that they are only punishable for the Crimes of which they are really guilty, and not to be question'd for such as they never committed; for 'tis a Maxim in our Law, that no Man is deem'd guilty, till he shall be found so by his Country. And altho' these two unhappy Wretches have fallen under the Sentence of the Law, yet if it should be proved, that this Sentence has been obtain'd by the Means of false Evidence, will not this take off the Edge of our Resentment against them? Whatever they have deserved in other Respects, yet, if in this they are innocent, surely they are entitled to some Share in our Compassion. Sentence of Death has been pass'd upon *Squires*; let us reflect on the Horrors that must accompany a Person in such a Situation. Besides, the Miseries of a Jail, which are so deplorable that they can hardly be describ'd even by those that feel them, especially when aggravated with the Reflection of not deserving them, must soften the most stony Heart, and humanize the most rigid Stoick. 'Tis to be hoped, that the Punishment they have already undergone, for Crimes they are not guilty of, will make such an Impression on their Minds, as to induce them sincerely to repent of those which their own Consciences

sciences charge them with. Should their present miserable Condition produce this happy Effect, I presume every Christian will so far imitate his Maker, as to acquit them of those Transgressions which they now have in Abhorrence.

*WELLS* has suffer'd the Ignominy of being burnt in the Hand, for harbouring, comforting and maintaining the other supposed Criminal; but, if *Squires* is found innocent, *Wells* must be so of course, and consequently has unjustly and injuriously suffer'd all the Pain, Shame and Misery, as one, really guilty of her alledged Crime, must have undergone. Shall we say, she has merited her Punishment by her other Iniquities? Shall a Man be condemn'd to the Gallows for Petty Larceny, because he has the Character of a Pick-pocket or Highwayman? No, 'tis not his Character, but real Facts that condemn him, and for such Facts only as he shall be proved guilty of. Let us not then load a poor unhappy Wretch with her former Miscarriages, when she is press'd down with the unsupportable Burden of such as she is an utter Stranger to. Let us discriminate between her real and pretended Offences, and common Humanity will teach us Pity to those Misfortunes, which, not her own, but the Iniquity of others, have brought upon her.

BUT

BUT it is said, That the Characters of the Gentlemen who have carried on the Prosecution for *Canning*, are unexceptionable, that they could not be deceiv'd themselves, and were incapable of imposing upon others. But they who talk in this Manner, must be very much unacquainted with the World. Who knows not that Knaves and Villains disguise themselves in a thousand Shapes to carry on their Purposes of deceiving the Honest and Credulous? Men of Art and Cunning are always on the Watch, and omit no Opportunities of advancing their Projects; whereas Men of Probity, who have no Designs but such as square with the exactest Rectitude and good Faith, have the least Suspicion of Male-practices in others, and therefore are the more easily made a Prey to those who are practised in Artifice. Men of the greatest Wisdom, the most penetrating Judgment, the acutest Sagacity, have sometimes been made Dupe to their own Excellencies. To be always on our Guard is impossible; the human Faculties will not bear to be continually on the Stretch; there must be a Relaxation of the Attention; and it is in those unguarded Moments that we are most liable to Imposition.

IT can therefore be no Imputation on the Honour or good Sense of *Canning's* Friends, if in the Event it should appear they have been deceived. They verily believed, that



her Case was exactly as she had represented it, and there were the greatest Probabilities to confirm them in that Persuasion. They knew she had been absent for a Month, they saw her return in a most miserable Condition, they heard her describe the Manner in which she had been used, and the Place of her Confinement; their own View of the Place concurred with her Description of it; and the Persons they found there, the same as she affirmed had before so cruelly used her. All these Circumstances will sufficiently justify their Conduct in their subsequent Proceedings, and must acquit them of imposing a fictitious Story upon the Public, however they might be deceived themselves.

BUT that they were deceiv'd, is the Opinion of a great Number of People of the first Distinction for Sense and Understanding. And this Opinion is founded not only on the many Improbabilities that rise from the Case itself, as it appears on *Canning's* Evidence, but likewise from several Discoveries that have been made since the Trial and Condemnation of the two supposed Criminals.

SEVERAL of the Improbabilities which occur on the Perusal of her Narrative, I have already mentioned; Mr. *Fielding*, I perceive, has started some others: Those which I have observed, appear to me and many others, as hard of Digestion as those he has raised; which, had he thought of, he would no doubt have answered

answered with the same Facility and Judgment with which he has solved his own. In what Manner he has performed this, deserves some Consideration.

I AGREE with him, that *Canning's* Narrative is so extraordinary, and consists of so many strange Particulars, that it resembles rather a wild Dream than a real Fact. I am likewise of his Opinion, that it doth not well appear with what Motive these Men carried this poor Girl such a Length of Way, or indeed that they had any Motive at all for so doing. But I cannot think, with him, that they took so much pains merely to exercise a Sort of wanton Cruelty. Can any Man of common Sense imagine, that two Men should employ themselves seven Hours together, lugging and hauling along for ten Miles, in the Middle of the Night, a poor Creature that had lost her Senses, and consequently had no Power to give any Motion to her Body, and all this only to divert themselves?

BESIDES this, he adds indeed a Motive somewhat more probable, and that is, that they might desire to increase the Number of Whores and Gipsies in the Family of Mother *Wells*: But it does not appear through the whole Narrative of this Affair, that Mother *Wells* kept any Girls at all in her Family for such Purposes. For tho' she kept an open House for the Resort of such Kind of People, yet her Visitors, both male and female, were only Lodgers for a

Night, and gone in the Morning. *Virtue Hall* was the only Woman, besides herself, that resided constantly in the House, and she, it seems, came there only as a Lodger, though afterwards she might be seduced into the bad Practices there followed. So that this could not possibly be the Motive to induce these Men to give themselves so much Trouble without answering any End.

His other Reason, that it might be to increase the Train of the Gipsies, is of the same Force. For what great Advantage could they propose to themselves by adding such a poor Creature to their Gang? Were they not sensible, by the Plague they had to get her along, that she was senseless, or in a Fit all the while? And could they imagine she would have no Returns afterwards? Instead therefore of making any Advantage to their Society, they must needs foresee that they were bringing an Incumbrance upon them. Besides, they have Opportunities enough in traversing the Country to inveigle ignorant and unwary Youth into their Company, whenever they have a Mind to increase it, and therefore had no Occasion to form such an extraordinary Scheme as this was.

THE Supposition that they designed to starve her out of her *Virtue*, as this Gentleman insinuates, does not seem at all likely. For it is apparent that the Gipsy-woman was only concerned in this Part of the Affair. Now it is  
well



well known that Gipsies never tarry long in a Place, unless it be at their Head-quarters, and are continually strolling about from one Town or Village to another, where they seldom abide above two or three Nights ; for as they are commonly Pilferers as well as Fortune-tellers, they are constantly shifting their Quarters to avoid the Lash of Justice. But this old *Gipsy*, *Mary Squires*, stays no less than a Month at *Mother Wells's*, and for what Purpose ? Why, to starve a poor silly Girl into a Compliance with her own wicked Course of Life, and upon her Refusal, even to murder her ! Can any thing be more incredible ? This is to exceed the most monstrous Fiction in Romance ! and he that can swallow this, will not boggle at the most incongruous Absurdities. Gipsies are not such Fools as to run those Hazards, for they dread nothing more than falling into the Hands of Justice. It is by their cunning, artful Deceits they live, and if sometimes they do Penance in the Stocks, or at the Cart's Tail, 'tis but rarely we see any of them swing on a Gallows.

ANOTHER Improbability, started by this Gentleman, is, ' That these Men should be able ' to carry this Girl the Length of ten Miles in ' a dark Night.' This seems to me a Difficulty not easily mastered ; to make it still more unaccountable, he adds, That it wanted but two Days of a New Moon, and consequently the Night must be exceeding dark at that Season of the Year.

BUT

BUT this Objection, as much as it may seem to lessen the Probability of the Story, he explains away till he has quite lost it, and at last concludes, it deserves no Answer at all. But by his Leave, I would appeal even to Common Sense, whether it is probable, I might say, possible for these Men to lug a senseless Body along for ten Miles together, during the darkest Part of a moonless Night? And should it be thought possible, whether it can enter into the Belief of any Man that they did so? For there lies the Stress of the Argument. If they really did it, they must have some very great Inducements, to prevail with them to undertake such a laborious Exercise. What these Inducements were, have not yet been shewn, at least to the Satisfaction of the Publick. For the Motives hitherto alledged for this unaccountable Enterprise, are so frivolous, as scarce to deserve a serious Answer, were it not to convince weak Minds of the Absurdities that are obtruded upon their Understandings.

ANOTHER Objection which this Gentleman throws in our Way, is, 'How she could survive this Usage, and be kept alive with no other Sustenance than she declares she had?' But this he *wisely* leaves to be ascertained by the Physicians. Now, as he is undoubtedly acquainted with some of the most eminent of them, it would have been a Satisfaction to the Publick, had he consulted some of the ablest and communicated their Sentiments; for tho' their

their Opinion might not be conclusive, yet it would have had great Weight in the terminating the Probability of the Case, and stopt the Mouths of many incredulous People, who cannot be persuaded that Nature could so long sustain such a terrible Oppression. However, he contents himself with saying, That it was possible, and that she did survive it; which is saying nothing, unless it had been prov'd, that she had actually suffered these Hardships in the Manner upon which his Conclusion is founded.

A N O T H E R surprising Circumstance he mentions, is, ' That she should so well have ' husbanded her small Pittance, as to retain ' some of it till within two Days of her ' Escape.' His Answer is, ' That she was ' so affected with the dreadful Situation she ' was in, that she eat scarce any Thing for ' the first Days of her Confinement, and ' afterwards had so little Appetite, that she ' could scarce swallow the hard Morsels that ' were allowed her.'

H O W E V E R improbable this may seem, I shall not contest the Possibility of it, and only observe, that in the last Clause of this Answer, there is a wide Deviation from what *Canning* swore upon her Trial. Here it is said, *she could scarce swallow the hard Morsels that were allow'd her*; there she declares, that *her Bread was quite hard, and that she used to soak it in the Water.*



ANOTHER Difficulty, which, he says, is no less shocking to Reason and common Sense, is, ' That she should undergo all this Hardship and Fasting without attempting sooner to make her Escape, or perceiving the Possibility of doing it in the Manner she effected it at last.' This Objection he thinks has so little in it, that it scarce deserves mentioning. However, he vouchsafes it a pretty long Answer, the Substance of which is, That, in the Inconveniencies we meet with in Life, we often over-look those Ways of extricating ourselves, which, when discover'd, appear'd to have been, from the first, extremely easy and obvious; and that we may easily imagine that this poor simple Child, under all her Weakness, Depression and Confusion, little regarded the Means of her Escape, till Despair forced her to attempt it.

IN Reply to this, I shall observe, that this *poor simple Child*, as she is call'd, is near eighteen Years of Age; an Age when the Female Sex have generally their Wits about 'em, feel the Strength of their Capacities, and perhaps exert their Qualities and Excellencies more at that Time than they do either before or after. Whatever Charms they possess, either of Body or Mind, they are then fond of displaying them to the best Advantage. Now, tho' this Girl be harmless and ignorant, yet I never heard any Body call her *Fool*. And whoever reads her Trial will observe, that

that she gave pertinent Answers to all the Questions the Court ask'd her. Can it be suppos'd then, that during a whole Month's Confinement, in this extreme Misery, she should never once entertain a Thought of getting out of it? Incredible to imagine it!

BUT I will go a Step farther. In reading her Trial I observe, that when her Friends took her down to *Wells's* House, some of them ask'd her, if she had seen any Thing she could remember thro' the Casement? Upon which she describ'd *Chinkford* Hill, and some Houses on the other side the Lane. So that amidst all her Sorrows, it's evident she had some Intervals of Freedom to make Observations. Now it seems very strange, and indeed past my Conception, that the Means of her Deliverance, the very Thing which most nearly concerned her, should be the least and last in her Thoughts.

THE last Improbability he takes Notice of is, 'That at the Time of her Escape, she should have Strength sufficient left, not only to break her Prison, but to walk eleven or twelve Miles to her own Home, which is indeed, enough to stagger our Belief.' But how does he account for this *Strange, unaccountable, and scarce credible Story*, as he truly calls it? Why, he leaves this Objection, as he did that, *How she could survive such Usage*, to the Discussion of Physicians. However, he is sure it's possible, and very much questions, whether her Despair does not make it probable, since this is known

to add no less Strength to the Body than to the Mind.

'Tis true, Despair has enabled Persons, on a sudden, to perform Things even beyond their natural Abilities. Yet this surprising Capacity is but of a short Duration ; 'tis a Flash soon extinguished ; for where Nature does not afford a constant Supply to assist the Action, it must quickly cease of Course ; and when her Powers are wound up to such a Pitch, and her whole Stock of Spirits are collected, as it were, to a Point, it is impossible they should continue long in the same Position ; the Spirits will dissipate, and fall into their forsaken Channels.

Now as to *Canning*, she is represented, at the Time of her Escape, and many Days afterwards, as so debilitated by the severe Hardships she had undergone, and her long Abstinence from Food, as to have hardly any Strength left ; for, when three Days afterwards she was carried down to *Wells's* House, her Friends were obliged to lift her out of the Chaise, carry her into the House, and set her upon a Dresser ; after that she was carried in a Chaise to Justice *Fielding's*, and led up into the Room between two. All which is manifestly true ; and to suppose that Despair could furnish her with Strength and Spirits enough to support her for Six Hours together, and to walk eleven or twelve Miles upon a Stretch, in such a Condition, is to suppose Things directly contrary to the human Understanding, and the usual Operations of Nature. It is to suppose that Miracles are not ceased, and that she was  
extra-



extraordinarily assisted by a superior Power, in accomplishing such a prodigious Undertaking.

OUR Author having thus raised and answered the Improbabilities of the Facts as related in her Case, proceeds next to oppose them with other Improbabilities, of another kind, arising from her Incapacity of executing such an Enterprize. To this Purpose he asks, ‘ Why  
 ‘ did this Girl conceal the Person who thus  
 ‘ cruelly used her? What Motive can be invented for laying this heavy Charge on those  
 ‘ Persons who are innocent? That she has not  
 ‘ Wit enough to invent such a Story, nor Assurance to support it so long, in the Manner  
 ‘ she has done; and that she should fix on a  
 ‘ Place so far from home, and where she had  
 ‘ never been before.’ All this he deduces from the known Character of the Girl among her Neighbours, who have known her from her Infancy.

BUT how specious soever this Reasoning may be, yet if the Issue of those Enquiries which are now so industriously pursued, should shew, that the whole Story is a Forgery, I mean so much of it as relates to the Place of her Confinement, and the Persons who have been convicted on her Evidence; I say, if this should appear, I don’t in the least doubt but such a Scene of Combination will be laid open, as will amaze all Mankind. I am far from supposing that the Girl ever willingly came into such iniquitous Measures; yet if the convicted Persons should be found innocent, I may, without the Gift of Prophecy, venture

to presage, that some wicked Persons have contrived this Scheme, and prevailed upon her to enter into it, to serve some sinister Views of their own. That she has been cruelly used by Somebody, and in some Place, is beyond Dispute; but by whom, and where, is a Mystery which Time only can discover: For at present, the Story is envelop'd with so many Difficulties and Improbabilities, that it's impossible to say with Certainty, where the Guilt ought to be fixed.

BUT how tender soever I may be of injuring the Character of a young Woman who has always lived with Reputation unblemished; and tho' I pay the greatest Deference to the Opinion of Mr. *Fielding*, who is allowed to be as discerning a Magistrate as any in the Commission; yet, for the Sake of publick Justice, and the general Satisfaction, I sincerely hope and wish that the Innocent may be clear'd, let the Guilt fall where it may.

I MUST beg Mr. *Fielding's* Leave to differ from him in another Point; and to do his Argument Justice, I shall quote his own Words. After having observed, that if it should appear that a Person is illegally condemned, the Gates of Mercy are still open upon a proper and decent Application, he proceeds thus, 'Whereas to resort immediately to  
' the Publick by inflammatory Libels against  
' the Justice of the Nation, to establish a kind  
' of a Court of Appeal from this Justice in a  
' Bookseller's Shop, to re-examine in News-  
' papers and Pamphlets the Merits of Causes  
which,

‘ which, after a fair and legal Trial, have already received the solemn Determination of a Court of Judicature, to arraign the Conduct of Magistrates, of Juries, and even of Judges, and this even with the most profligate Indecency, are the Effects of a Licentiousness to which no Government, jealous of its own Honour, or indeed provident of its own Safety, will ever indulge or submit to.’

HERE is a very warm Declamation upon some Injury or Discredit supposed to be offer’d to the Dignity of our Laws, and the Administration of Justice. But however laudable his Zeal may be in Support of the Appendages of the Law, yet all his Rhetorick will not persuade me, that any Affront or Indecency has, in the Course of this Affair, been offered to our Courts, Magistrates or Judges. Are Magistrates, Juries and Judges infallible? How many Instances have been known where a wrong Verdict has been given, either thro’ a Mistake of the Identity of the Persons accused, or the wilful Perjury of the Witnesses? How often have the Innocent been brought to a shameful Death, and the Guilty acquitted? And yet this has happen’d not from any Deficiency of our Laws, nor Want of Care and Circumspection in the Magistrate to do Justice. Judges and Juries must be governed by the Evidence; the Heart of Man lies out of their Knowledge; and they can form their Judgment only from the Testimony that is given. How tender soever they are of the Life of a Man, they must be



be equally solicitous in punishing Offenders ; and 'tis by this Equibrity observed in our Courts of Justice, that our Lives, Liberties and Properties are secur'd. And whenever it happens, that thro' human Infirmary, or a Misrepresentation of the Case, they are misled to give a wrong Judgment, on their being convinced of their Error, they are so far from shewing any angry Resentment against the Persons who have been at the Pains to set them right, that they thank them for their Information, and are glad to be undeceived.

BUT on this Occasion, it is insinuated, there has appeared a very indecent Behaviour; *the Publick has been resorted to by inflammatory Libels against the Justice of the Nation, &c.* But how does this appear? Is it not well known, that even upon the Trial, there were many Gentlemen of distinguished Sense, who heard it, that greatly doubted the Truth of the Evidence? My Lord Mayor himself, who is the Chief Judge of that Court, and the other Judges who attend him, no more than his Assessors or Assistants, was so far from being satisfied with the Verdict that was given, that he would not permit any Report to be made, till he had sifted the Matter to the Bottom.

HIS Lordship's Dissatisfaction, and Earnestness to come at the Truth, was followed by a laudable Emulation in other Gentlemen to use their utmost Endeavours to unravel this mysterious Iniquity ; in Consequence of which, such Discoveries have been actually made, as shew there have been very bad Practices some where.

WHERE

WHERE then are those inflammatory Libels that have arraign'd the Justice of the Nation? Who have read or seen them? 'Tis true, the Matter has been canvass'd in the New's-Papers, and Gentlemen have us'd that Freedom, which every *Briton* is entitled to, of debating upon all publick Transactions.

IT is no trifling Affair that has been the Object of these Debates and Contentions. The Life of a Subject is at Stake; Sentence of Death is pass'd upon her, for a Crime of which many imagine she is not guilty. To come at the Truth of this, a free Enquiry is absolutely necessary; in the Course of which, if it should be discover'd that any Magistrate or Minister of Justice has exceed'd the Limits of his Duty, it is doing publick Service to bring his Actions to the Light; and he who is conscious of his own Integrity, will never be afraid of the nicest Scrutiny.

BUT what those Papers or Pamphlets were which this Gentleman had his Eye upon he has not told us; tho' I wish, at least from my own Satisfaction, he had pointed out those Passages that have so greatly offended him, and rais'd his Choler to such an enormous Height, that the Consequence might have been very dangerous to himself, and perhaps to his Family, had he not met with this lucky Opportunity to vent it. And as there is no Appearance of a Reflection upon the Judges Juries, or Administrators of Justice, in any of the Papers or Pamphlets, (and I think

think I have read all) that have been publish'd, what could give Occasion to this Strain of Rant, unless it were a Supposition, that the whole Body of Law and Justice was center'd in himself, and that an Arrow, levell'd at him, must necessarily pierce the whole Administration?

THUS I think it is clear, that nothing has been publish'd, canvass'd, or debated on this important Occasion, but what has been altogether consistent with that Liberty which every *British* Subject enjoys, and, I hope, ever will enjoy, notwithstanding this Gentleman's loud Call upon the Government *not to indulge or submit to it.*

Let us now proceed to the Consideration of some other Parts of this Pamphlet. He says, p. 25. 'It is an establish'd Point, that *Elizabeth Canning* was not acquainted with Mother *Wells*, or her House, nor was ever there, in any other Manner, than she herself has informed us, which is confirmed by *Wells* herself. From whence, says he, results an utter Impossibility; for unless this poor Girl had been acquainted with the House, the Hayloft, the Pitcher, &c. how was it possible she could describe them all so exactly as she did, at her Return to her Mother, in the Presence of such Numbers of People?' This he can account for but two Ways, namely, She must either have been there herself, or must have received Information from others. As to the former, *Wells* herself denies it, and as to the latter,



latter, he leaves us to guess, whether it was *Wells*, the Gypsey-woman, or *Virtue Hall*.

As for my own Part, I am satisfy'd, that she was instructed by none of them; but rather that this whole Scheme was laid and contriv'd by some profligate Wretches who have not yet been brought upon the Stage; and that it was a Combination of Villains who made use of this *poor silly Girl* (as the Author affects to call her) as their Instrument to carry some wicked Project into Execution. If the Event should shew this to be the Truth of the Case, then all the Difficulties and Improbabilities, which either this Gentleman, myself or any others have started upon this Occasion, ceases of Course.

BUT the Point on which he lays the main Stress, and which he asserts as a Fact unanswerable, is this: ' That *Virtue Hall* ' had never seen or heard the Evidence of ' this *Elizabeth Canning* at the Time ' when she made her own Information, nay, ' had she heard it repeated, That she should ' be able at a Distance of Time, to retain ' every particular Circumstance so exactly, as ' to make it tally in the Manner her Information doth with that of *Virtue Hall*, is a Supposition in the highest Degree absurd.' Hence it follows, that as there was such an exact Conformity between the Evidence given by *Hall* and *Canning* without any previous Consultation, the Fact is established by both, for I allow, that after *Canning* had made her

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Escape, there is no Reason to believe there any Correspondence between them.

I WILL allow too, that *Hall* did not hear the History of the Fact, when *Canning* related it to Justice *Tyssemaker*: But, give me Leave to observe, she herself was examined by the Justice. And what may we suppose was the Purport of the Questions he put to her? Was it not in Relation to what she knew of the robbing and confining of *Canning*? Most certainly it was, for the Author himself tells us, that she there affirmed *she knew nothing of the Matter*.

IT is likewise plain, that *Hall* heard all the Examinations of the other Parties that were taken by the said Justice; and was present when the Commitments were made for the two Women. Now, is it not reasonable to suppose, that all the Parties taken into Custody, were examined upon the Facts that were related apart to the Justice by *Canning*? And if she heard all, it follows that she must necessarily be inform'd of the Particulars of the Story, even at that Time.

BUT farther, it's observable, that upon *Hall's* being discharged by Justice *Tyssemaker*, she went Home to Mother *Wells's* House, where she remained till taken up upon Justice *Fielding's* Warrant, which was near a Fortnight afterwards. In all which Time, who can doubt but her natural Curiosity and Inquisitiveness prompted her to inform herself of the Nature of the Crimes of which her Mistress and the Gipsy-woman were

were accused, and perhaps with a View to serve them; for it does not appear that she retained any Resentment or Malice against either of them; and yet she was the principal Evidence against both.

FROM this Account of the Affair, it's evident that *Hall* had Opportunities enough to acquaint herself with all the Particulars of the Story, without supposing the least Intimacy or Correspondence between *Canning* and her. And therefore, the Consequence which the Author draws, 'that the Fact  
' must be true, because it is impossible that  
' these Girls should have previously con-  
' certed their Evidence between themselves,' ceases of Course.

IT has been observed, on the other Side, that *Virtue Hall*, on her Recantation, declar'd, That the Reason of her giving her Evidence against *Squires* and *Wells* in her Examination before the Justice, was, because she was frightened into it. In answer to this, Mr. *Fielding* declares, that at first, when she seemed to be under great Fear and Apprehension, he endeavoured to soothe and comfort her, and used the softest Language in order to bring her to an ingenuous Confession; but after he found her guilty of so many *Prevarications* and *Contradictions*, he told her, 'he would examine  
' her no longer, and leave her to stand or fall  
' by the Evidence against her, and advised Mr.  
' *Salt* to prosecute her as a Felon, together  
' with the Gipsy-woman.'



THE Justice would have done well to have told us what those *Prevarications* and *Contradictions* were, which, he says, she was guilty of. But since he has not given the World that Satisfaction, but has left People wholly to their own Conjectures, he must not blame us for surmising, that when she could not be brought by gentle Means to contradict the Declaration she had before made to Justice *Tyssemaker*, that *she knew nothing of the Matter*, he then used that threatening Language above-mentioned; which, to a poor timorous Woman, who dreaded the Horrors of a Jail, and whose culpable Conversation in other Respects, she apprehended, might bring her into Danger, I must needs say, was terrifying enough; and which, it is plain, brought her to make that Confession which we find in her Information against *Squires* and *Wells*, and which she swore to as soon as it could be drawn up, which I think was about two Hours afterwards.

ANOTHER strange Circumstance, which, he says, will attend the Case of *Elizabeth Canning*, if it should be admitted to be a Forgery, is, ' That she should charge the Gipsy-woman, ' when she must have known the Woman ' could prove an *Alibi* (that she was elsewhere) ' and not *Susannah Wells*, who could have no ' such Proof.' Yet, strange as this is, in the next Paragraph, he allows it consistent enough with *Canning's* Character, whom he all along represents as a *poor simple Child*.

BUT farther; this Gentleman mentions another Thing of no small Importance, and which,

which, in Truth, has given Rise to all this Post-Controversy. He says, ' that since the Trial he was informed, that a great Number of Affidavits, proving that the Gipsy-woman was at *Abbotsbury* in *Dorsetshire*, at the very Time when *Elizabeth Canning* had sworn she was robbed by her at *Enfield-Wash*, were arrived at my Lord Mayor's Office.' But as he seems cautious of enlarging upon this Head, he must excuse me if I remind him of some particular Circumstances relating to these Affidavits. And as the *Inspector* has open'd the Scene pretty largely, I shall quote a few Passages from him, which will serve to shew the Nature, Import, and Authority of these Affidavits.

THUS he writes : ' It was possible, tho' not at all to be imagined, that the *Mary Squires* sworn to by *Canning*, and the *Mary Squires* mentioned in those Affidavits, might be different Persons of the same Name. To ascertain the Truth in this Respect, two Men of unexceptionable Character, and whose very Looks and Manner demand Credit, having come up from *Abbotsbury* on Purpose, and having this Morning, (*March 13*) visited *Mary Squires* in Prison, have since sworn, that they saw her at *Abbotsbury* on the first of *January*, New Stile, and from that Time till the 10th of the same Month, and that she is the identical *Mary Squires* mentioned in the Affidavits and Certificates which had been sent up before.'

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He farther adds, ‘ that there are now in my Lord Mayor’s Possession, the Certificates of sixteen Persons of *Abbotsbury*, taken before the Mayor of *Dorchester*; besides which, eight Persons from *Enfield-Wash*, have given their Oaths before his Lordship; supported likewise by the Letters of Mr. *Willis*, the Under-Sheriff of *Dorsetshire*, and Mr. *Harris* the Vicar of *Abbotsbury*, two worthy Persons, who have been happily industrious in this Discovery; and in the whole, there is not a single Inconsistency: They all concur to prove that *Mary Squires* was not, nor could be at *Enfield-Wash*, at, or of a long Time after the Day of the pretended Robbery; and tho’ from such a Variety of Persons unknown to one another, they agree in every Thing; not in the material Articles only, but in the most slight and trivial.’

THIS seems to speak strongly in Favour of *Mary Squires*. But that Mr. *Fielding* may see we act impartially; we shall add here what he has inserted in the last Paragraph of his Book. He tells us there, ‘ That on *Sunday* the 18th Instant, he read over a great Number of Affidavits corroborating the whole Evidence of *Canning*, and contradicting the *Alibi* Evidence of the Gipsy-woman; that these Affidavits are by unquestionable Witnesses, and sworn before three worthy Justices of the County of *Middlesex*, who live in the Neighbourhood of *Enfield-Wash*.

So that we are like to have a fine Dish of Swearing toss’d up for a Regale of tender Consciences!



sciences ! Both Parties are strong, numerous, and resolute. On the Part of *Squires* appear sixteen Certificates, and six Affidavits from *Abbotsbury*; the Oaths of eight Persons from *Enfield-Wash*; the Evidence of two Men who came out of the Country on Purpose, besides the Letters of the Under-Sheriff and Vicar. On the other Side stand ranged three and twenty Affidavits (for so I read in the News-papers, tho' Mr. *Fielding* has not mentioned their Number) corroborating the Evidence of *Canning*, and contradicting the *Alibi* Defence of the Gipsy-woman; all by unquestionable Witnesses, and swore before three Justices of the Peace. 'Tis true, I don't find among them either a Vicar or an Under-sheriff, *i. e.* an Attorney; but perhaps so much the better; for they commonly do a Cause more Harm than Good, by rendering it ten Times more intricate than it would be without their meddling.

MR. *Fielding* will excuse one Remark that I shall make in this Place. He says, 'These Affidavits corroborate the *whole* Evidence of *Canning*.' Now I will not stretch this Assertion beyond the Limits he no doubt intended it; that is, I shall confine it to the Hardships and Confinement of *Canning* in *Wells's* House. Now, will these Persons swear positively, or even collaterally (if I may be allow'd the Expression) by certain and self-evident Signs, Tokens, and Circumstances, that *Elizabeth Canning* was brought to that House at four o'Clock  
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in the Morning, was robb'd there of her Stays by *Squires*, that she was push'd up into a Hayloft, confin'd there a Month, and oblig'd to live upon Bread and Water, and at last made her Escape thro' a Window? For this is the Sum and Substance of *Canning's* Evidence with regard to her Treatment at *Wells's* House: All which Transactions, according to her Account, No-body was privy to, but those immediately concern'd in the Business, that is, herself, *Hall*, *Squires*, and *Well's*, and the rest that were then present.

If then this Affair should happen to turn out as I have represented it; if when this Mystery is fully unravell'd, it should appear that the Scheme was contriv'd and carried on by a quite different Set of Persons than have been yet question'd about it, and if Mr. *Fielding* himself, sagacious as he is, has been impos'd upon; can we enough lament the unhappy Condition of those two unfortunate Wretches now in *Newgate*? One has already suffer'd the most ignominious Punishment our Laws can inflict, except that of the Gallows. The other must have suffer'd in herself, all the Horrors of Death, to which she is condemn'd, except the executive Part of it, which is but transient and soon over. I can't help being of Opinion, that their Sufferings, in some Respect are more severe than all the Hardships *Canning* underwent, by whomsoever or wheresoever inflicted upon her. What she suffer'd was by the  
Violence

Violence and Cruelty of some hardened Wretches, but still unattended with Circumstances of Shame and Ignominy to herself as yet appears. Whereas *Wells* and *Squires* have been forced to submit to all the Rigours of the Law, for Crimes of which they are wholly Innocent; to which may be added, the Miseries of a long Imprisonment. Do not Afflictions like these penetrate the very Soul, and add a Weight to all the other Burdens of Life?

VARIOUS Methods have been taken to unravel this intricate Affair, and bring the Truth to Light. At the Instance of my Lord Mayor, the Secretaries of State informed his Majesty of the Grounds there were to believe, and the Suspicious People entertained, that a wrong Sentence had passed upon *Mary Squires* and *Susanna Wells*. Upon which his Majesty out of his tender Regard for the Lives of his Subjects, ordered their Case to be re-referred to the Consideration of the Attorney and Solicitor General, that they might strictly examine all the Circumstances of it, and give him their Opinion upon the Whole.

ACCORDINGLY these Gentlemen proceeded on it with the utmost Caution and Circumspection, scrutinizing very minutely every Part of the Evidence that had been given at the Trial, as well as the Discoveries that have been since made, which contradicted the principal Facts that were then sworn.

WHILE this Affair was under their Deliberation, a Sessions was held in *April* last, at *Justice-Hall*, in the *Old-Bailey*; when a Bill of Indictment for Perjury was preferr'd to the Grand Jury against *Canning*; and at the same Time another Bill of Indictment was laid against the three Witnesses from *Abbotsbury* for the like Crime. The Grand Jury sat several Days upon it; but finding that the Witnesses for the one absolutely contradicted



contradicted the Evidence for the other, in some of the most material Facts sworn to, they dismissed both the Bills.

THE Attorney and Solicitor General, finding they could receive no new Lights or Assistance from such contradictory Evidence, to direct their Judgment, with great Humanity, gave their Opinion in Favour of the supposed Criminals; in Consequence of which *Mary Squires* received his Majesty's most gracious Pardon.

BUT that a Matter of this Moment might not sleep in such Uncertainty, the Attorney and Solicitor-General had Directions to use all possible Means, for the sake of publick Justice, to make a Detection of the real Offenders. Accordingly, at the last Sessions in *June*, they ordered a Bill of Indictment for Perjury to be laid against *Canning*; and the Grand Jury returned the Bill found: On the other Side, the Friends of *Canning* preferred a Bill against the three Men of *Abbotsbury*, for the like Crime, which was likewise found, upon the Evidence given by the Witnesses from *Endfield-Walsh*, who swore, that *Squires* was at *Wells's* House, and in that Neighbourhood for several Days in the Beginning of *January* last, the Time when the Robbery was alledged to be committed. The Jury found both these Bills, notwithstanding the Contradiction in the Evidence, that so upon the Trial of the two Indictments, the Truth may possibly at length be discovered, and as the only Means that seems practicable for that End.



F I N I S

